

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARGARET MIKE, WILLIAM  
MIKE, SHANNON MIKE and  
GEORGETTE MIKE,

Plaintiffs,

vs.

CIVIL NO. 12-1215 WDS/LFG

TERRY McCOY et al.,

Defendants.

**INITIAL SCHEDULING ORDER**

This cause is assigned to me for scheduling, case management, discovery and all non-dispositive motions. The Federal Rules of Civil Procedure, as amended in 2000, as well as the local rules of the Court shall apply to this lawsuit.

The parties, appearing through counsel or *pro se*, shall "meet and confer" no later than MARCH 1, 2013 to formulate a provisional discovery plan. Fed. R. Civil. P. 26(f). The time allowed for discovery is generally 120 to 150 days. The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan ("JSR")*, which follows the sample JSR available at the Court's web site.<sup>1</sup> The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management dates will be determined by the Court after consideration of the parties' requests. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by MARCH 18, 2013.

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<sup>1</sup>Pursuant to Administrative Order No. 06-173, the JSR replaces and supersedes the Provisional Discovery Plan and the Initial Pretrial Report, effective January 2, 2007. Please visit the Court's web site, [www.nmcourt.fed.us](http://www.nmcourt.fed.us) to download the standardized *Joint Status Report and Provisional Discovery Plan* form.


Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the Scheduling Order that issues from the JSR.

Initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made within fourteen days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted in my chambers, Suite 680, 333 Lomas Blvd., N.W., Albuquerque, New Mexico on **WEDNESDAY, MARCH 20, 2013**, at **2:00**.<sup>2</sup>

At the Rule 16 scheduling conference, counsel shall be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a Daubert<sup>3</sup> hearing is needed, initial disclosures, and the timing of expert disclosures and reports under Fed. R. Civ. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities. Client participation is not required.

Pretrial practice in this cause shall be in accordance with the foregoing.

  
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LORENZO F. GARCIA  
United States Magistrate Judge  
333 Lomas Blvd., Suite 680  
Albuquerque, NM 87102  
505-348-2320 (FAX 348-2324)

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<sup>2</sup>Out-of-town counsel may appear by telephone. Please advise my chambers at least 24 hours prior to the scheduling conference if any counsel will appear by telephone. This office will initiate the call to counsel at the time of the conference.

<sup>3</sup> Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S. Ct. 2786 (1993).